

UNITED STATES DISTRICT COURT  
THE SOUTHERN DISTRICT COURT OF NEW YORK

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MARK TUNNE	) MOTION REPLY FOR SANCTIONS AGAINST JONATHAN MARMO, ESQ. INDEX NO. 22-CV-5288
Plaintiff,	DISTRICT JUDGE HON. JESSICA GL CLARKE
-against-	) MAGISTRATE JUDGE HON. VALERIE FIGUREDOR
DISCOVER FINANCIAL SERVICES, INC. d/b/a DISCOVER CARD, INC. et al. ) JANE DOE "JANELLE" an employee of Discover Card. JANE DOE "EVY M." an employee of ) Discover Card. JOHN DOE(S) and/or JANE DOE(S) Defendants. ) -----x	

PLAINTIFF'S MOTION FOR SANCTIONS

NOW COMES Plaintiff, Mark Tunne, by and through his pro se status, and for this Motion for Sanctions pursuant to Fed. R. Civ. P. 11 states as follows:

1. On 6/22/22, Plaintiff filed the instant Complaint.
2. On 8/19/24, Defendant Discover by way of their attorney, Jonathan Marmo, Esq., filed a Motion to Dismiss. That Motion is currently pending. See Pacer Docket No. 74.
3. On 4/14/24, Defendants served this Motion for Sanctions on Plaintiff, but did not file it (EX 1).
4. Sanctions are appropriate under Fed. R. Civ. P. 11 for the reasons stated in the attached Brief.

5. Through 6/22/22, to the present day, Defense counsel by way of his client(s), have totally, knowingly, intentionally, deliberately, misrepresented the truth claiming they submitted a 4506 IRS Tax Verification Record in April 2022, through Equifax, Inc. A falsehood Jonathan Marmo, Esq. knew to be untrue. There were no Tax Verification record(s) submitted to Equifax, Inc. to the IRS seeking tax records on Plaintiff.
6. A full review of Plaintiff's Motion for Reconsideration with attached exhibits fully supports, explains, repeats, alleges, and asserts, Plaintiff's legal position for sanctions against Jonathan Marmo, Esq.
7. There is no need to repeat and belabor the allegation against Jonathan Marmo, Esq.

WHEREFORE Plaintiff, Mark Tunne, respectfully request that this Honorable Court grant this Motion, to order Defense counsel and his clients to pay legal, punitive, and nominal damages including pro se fees and costs, together with such additional relief as this Court deems just and appropriate.

Respectfully submitted,



/s/ Mark Tunne  
Cooper Station  
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Dated: July 19, 2025

### **DEMAND FOR RELIEF**

No doubt opposing counsel will vehemently deny the allegations set forth herein. Therefore, the Court may want to grant Plaintiff's request for a second Case Status Conference. Accept this time, Equifax' lead counsel, Allison Rhadans, Esq., will need to be present to give testimony to the court concurring or denying the allegations made by Plaintiff's motion for Sanctions.

### **CONCLUSION**

Based on information and belief, it is clear to Plaintiff that opposing counsel knowingly, intentionally, and deliberately, misrepresented the truth about a non-existing IRS Tax Verification record that was in fact never submitted to Equifax despite his false claims this was executed. Despite the Equifax record's appearance, it contains details about Plaintiff's vital information not given by Plaintiff.

Plaintiff firmly believes in the affirmation of attorney, Allison Rhadans, Esq, who has no vested interest in supporting the Defendants and Plaintiff. She has no reason to misrepresent the truth. The Court needs to hear directly from Ms. Rhadans who will affirm under oath Equifax does not have any IRS Tax Verification records submitted to them by Discover seeking tax records on Plaintiff, Mark Tunne.

Overall, from the beginning, before this case was filed, Plaintiff was the victim of a lying, unscrupulous, nefarious, credit card company who wanted to discriminate against Plaintiff solely for the purpose of purging him as a customer due to his low, economic, status despite the fact Discover accepted Plaintiff as a low, economic, credit card holder knowing of his disability income and disability status.

Plaintiff repeats and realleges the allegations contained in the Amended Complaint against the Defendants.

Whereby, sanctions against Jonathan Marmo, Esq., for the aforementioned reasons stated, supra., are warranted in its entirety. Plaintiff prays for all other relief the court deems just and fair.

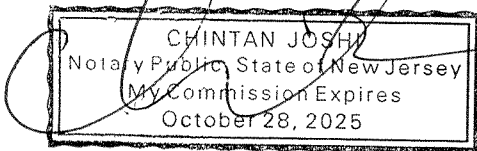
Respectfully submitted,



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NOTARY

Sworn to on this 22nd day of July 2025.



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